

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GUILLERMO GARCIA, et al.,

Plaintiffs,

v.

COUNTY OF MONTEREY, et al.,

Defendants.

Case No. 24-cv-03421-BLF

**ORDER TO SHOW CAUSE WHY
DEFENDANT WELLPATH, LLC
SHOULD NOT BE DISMISSED FOR
FAILURE TO SERVE PROCESS**

Plaintiffs filed the complaint in this action on June 6, 2024, asserting claims against entity defendants County of Monterey (“County”) and Wellpath, Inc. (“Wellpath”), as well as a number of individual defendants. *See* Compl., ECF 1. Defendant County filed a notice of appearance on July 31, 2024, although it has not yet filed a response to the complaint. *See* Notice of Appearance, ECF 11. Plaintiff filed a stipulated voluntary dismissal of the individual defendants on August 28, 2024, which was approved by the Court the same day. *See* Stipulation, ECF 13; Order, ECF 13.

Defendant Wellpath has not appeared, and there is no indication that Plaintiffs served process on Wellpath within 90 days after filing the complaint, that is, by September 4, 2024. “If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Plaintiffs are **ORDERED TO SHOW CAUSE**, in writing and by September 27, 2024, why Defendant Wellpath, Inc. should not be dismissed for failure to serve process as required under Rule 4(m).

IT IS SO ORDERED.

Dated: September 13, 2024


 BETH LABSON FREEMAN
 United States District Judge